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3/24/04  
Witcher  
Patent

Attorney Docket No.: 042390.P11861

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jay H. Connelly

Serial No.: 09/882,486

Filed: June 15, 2001

For: METHOD AND APPARATUS TO  
SEND FEEDBACK FROM CLIENTS TO  
A SERVER IN A CONTENT  
DISTRIBUTION BROADCAST SYSTEM )

Examiner: Salce, Jason P.

Art Unit: 2611

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Technology Center 2600

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT  
UNDER 35 U.S.C. § 121

Sir:

In response to the Election/Restriction Requirement mailed February 11, 2004, Applicants respectfully request the Examiner to reconsider and withdraw the present election/restriction requirement for the reasons stated below. In the event the Examiner is not persuaded to withdraw the present election/restriction requirement, Applicants provisionally elect the invention of claims 10-15, 32-37, 53-56, and 77-79 with traverse.

REMARKS

There are two criteria for a proper requirement for restriction between patentably distinct inventions: (A) the inventions must be independent or distinct as claimed; and (B) the search and examination of the entire application cannot be made without serious burden. MPEP § 803. Inventions are independent if there is no disclosed relationship between the two or more subjects disclosed, that is, they are unconnected in design, operation, or effect. MPEP § 802.01. Inventions are distinct if they are related, for example, as combination and part thereof, process and apparatus for its practice, process